IN THE HIGHCOURT UTTARAKHAND
AT NAINITAL

Writ petition no. 1443(S/S) of 2006

Smt. Chandra Rawat W/o Shri Lakhpat Singh Rawat
R/o Village-Simali, P.O.-Aserh, Simali
District Chamoli

-------Petitioner

Versus

1. State of Uttaranchal through Secretary School Education Government of Uttaranchal, Dehradun
2. Upper Zila Shiksha Adhikari (Basic) District Chamoli
3. Block Education Officer, Tharali, District Chamoli
4. Village Shiksha Samiti, Village Simali, P.O. Aserh, Block Tharali, District Chamoli
5. Smt. Sumitra Rawat W/o Sri Manoj Kumar Singh
   R/o Village & Post-Simali. Tehsil-Tharali, District Chamoli

------- Respondents

Hon'ble M.M.Ghidiyal, J.

Heard Sri Pankaj Purohit, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner and to give her appointment as Shiksha Mitra in Primary School Dewar Block- Tharali, District Chamoli
2. Issue may suitable order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
3. Award the costs of the writ petition in favour of the petitioner.

The stand of the petitioner is that in pursuance to the advertisement issued on 18.08.2005 the petitioner along with some

other persons have applied for the post of Shiksha Mitra in Primary School, Dewar Block-Tharali, District Chamoli.

The petitioner has alleged that a merit list was prepared by Shiksha Samiti. Smt. Manju Purohit was at the top but as she was selected somewhere else, she did not join. Smt. Sumitra Rawat who was at serial no. 2 was not provided appointment as she was not having B.Ed. Degree. Smt. Munni Gosain, who was at serial no. 3, did not join as she was also selected somewhere else. Learned counsel for the petitioner has submitted that in these circumstances, since the petitioner was placed at serial no. 4, she was entitled to get appointment on the post, however, the respondents have failed to act in accordance with law by not providing appointment to the post.

Learned counsel for the petitioner has further submitted that the petitioner may be permitted to make representation before the District Education Officer and he be directed to take decision on the same with in a period prescribed by the Court.

In the circumstances, the District Education Officer, Chamoli is directed to take decision in accordance with law on the representation of petitioner, if moved, within a period of four weeks from the date of production of certified copy of this order before him.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghidiyal, J.)

07.08.2007
VKS